

REMARKS

Claims 1-15 have been examined. Claims 1, 3, 7-9, 11, and 13-15 have been rejected under 35 U.S.C. § 102(e), and claims 2, 4, 10 and 14 have been rejected under 35 U.S.C. § 103(a).

I. Formal Matters

The Applicants kindly thank the Examiner for acknowledging Applicants claim for foreign priority.

II. Rejection under 35 U.S.C. § 102(e) over U.S. Patent 6,212,555 to Brooks, Jr. *et al.* (“Brooks”)

Claims 1, 3, 7-9, 11, and 13-15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Brooks. This rejection is respectfully traversed.

A. Claim 1

Claim 1 requires “an obtaining device for obtaining reproduction control information to control a reproduction manner of each of the plurality of unit information from the external portion....” This reproduction control information claimed in the present application includes, *inter alia*, the order in which to reproduce the audio information, the name or title associated with particular information, and the tone at which the audio information should be reproduced. See page 22, lines 12-21. Brooks does not teach an obtaining device for obtaining such reproduction control information.

Brooks offers no method of modifying the data files (9) sent from the computer server (1) via the transmission means (5) to a audio receiever/player (6). There is simply no means

suggested in Brooks for obtaining information from the computer server (1) that controls the reproduction of data files (9) stored in the audio receiver/player (6). Accordingly, Brooks fails to teach each and every element of claim 1. Accordingly, the rejection of claim 1 should be withdrawn.

B. Claim 3

As claim 3 is dependent upon claim 1, Applicants submit that claim 3 is patentable at least by virtue of its dependency on claim 1.

C. Claim 7

As claim 7 recites language similar to claim 1, Applicants submit that claim 7 is patentable at least for the reasons discussed above with respect to claim 1.

D. Claim 8

As claim 8 is dependent upon claim 7, Applicants submit that claim 8 is patentable at least by virtue of its dependency on claim 7.

E. Claim 9

As claim 9 recites language similar to claim 1, Applicants submit that claim 9 is patentable at least for the reasons discussed above with respect to claim 1.

F. Claims 11 and 13-15

As claims 11 and 13-15 are each dependent upon claim 9, Applicants submit that claims 11 and 13-15 are patentable at least by virtue of their dependency on claim 9.

Accordingly, Applicants respectfully request the Examiner to withdrawal the 35 U.S.C. § 102(e) rejection of claims 1, 3, 7-9, 11, and 13-15.

III. Rejection under 35 U.S.C. § 103(a) over Brooks

Claims 2, 4, 10 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Brooks.

The Office Action rejects Claims 2, 4, 10, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Brooks. Claims 2 and 4 depend upon the independent Claim 1 directly, and Claims 10 and 14 depend upon the independent Claim 9.

A. Claims 2 and 4

Claims 2 and 4 are both dependent on claim 1. The Examiner relies upon Brooks and the Examiner's personal knowledge by taking "official notice" to support the rejection under 35 U.S.C. § 103(a). Without passing on the propriety of the Examiner's taking official notice, nothing in Examiner's official notice cures the deficient teachings of Brooks as discussed above with respect to claim 1. For at least the reasons discussed above with respect to claim 1, Applicants submit that claims 2 and 5 are patentable over the cited art.

B. Claims 10 and 14

Claims 10 and 14 are both dependent on claim 9. The Examiner relies upon Brooks and the Examiner's personal knowledge by taking "official notice" to support the rejection under 35 U.S.C. § 103(a). Without passing on the propriety of the Examiner's taking official notice, nothing in Examiner's official notice cures the deficient teachings of Brooks as discussed above with respect to claim 9. For at least the reasons discussed above with respect to claim 9, Applicant's submit that claims 10 and 14 are patentable over the cited art.

Accordingly, Applicants respectfully request the Examiner to withdrawal the 35 U.S.C. § 103(a) rejection of claims 2, 4, 10, and 14.

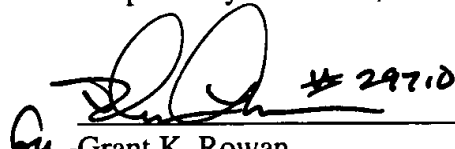
IV. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the claims as herein are patentably distinguishable over the prior art and the application is now believed to be in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 to 15 are earnestly solicited. Favorable reconsideration of the present application is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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